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10/020,701	12/12/2001	Wah Yiu Kwong	ITL.0681US	9547

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EXAMINER
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BAUM, RONALD

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

10/020,701

Applicant(s)

KWONG ET AL.

Examiner

Ronald Baum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. This action is in reply to applicant's correspondence of 23 June 2005.
2. Claims 1-25 are pending for examination.
3. Claims 1-25 are rejected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Iggulden, U.S.

Patent 6,415,023 B2.

5. As per claim 1; "A method comprising:

detecting a user input [col. 2, lines 44-col. 4, line 23];

in response to the detection of a user input, generating a graphical user interface before the operating system has booted [col. 2, lines 44-col. 4, line 23, col. 6, lines 24-col. 8, line 26, figures 3-5 and accompanying descriptions, whereas the 'all types of programmable features within such appliances ...' clearly encompasses the devices operational software, broadly interpreted by the examiner, in embedded controller type appliances/devices as the effective operating system software/firmware.];

receiving an input from the user through said graphical user interface [col. 2, lines 44-col. 4, line 23, col. 6, lines 24-col. 8, line 26, figures 3-5 and accompanying descriptions, whereas the

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initialization, setup parameters, and ‘... graphical user interface ... virtual appliance ... personal digital assistant ...’ clearly encompasses the devices operational GUI software, as broadly interpreted by the examiner, in embedded controller type appliances/devices.]; and

booting the operating system [col. 2, lines 44-col. 4, line 23, col. 6, lines 24-col. 8, line 26, figures 3-5 and accompanying descriptions, whereas the ‘all types of programmable features within such appliances ...’ clearly encompasses the devices operational software, broadly interpreted by the examiner, in embedded controller type appliances/devices as the effective operating system software/firmware; and the said effective operating system is clearly enabled (i.e., booted) by the authentication process.].”;

Further, as per claim 11, this claim is the embodied method software for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection;

Further, as per claims 21, 24 these claims are the apparatus/system for the method claim 1 above, and are rejected for the same reasons provided for the claim 1 rejection.

6. Claim 2 ***additionally recites*** the limitation that, “The method of claim 1 wherein detecting a user input includes detecting the operation of a push button.”.

The teachings of Iggulden are directed towards such limitations (i.e., col. 2, lines 44-col. 4, line 23, col. 5, lines 37-col. 8, line 26, figures 2-5 and accompanying descriptions, whereas the various appliances/devices (i.e., thermostats, PDAs) clearly encompasses the devices push button type inputs, at the very least, a power push button switch, as broadly interpreted by the examiner, in embedded controller type appliances/devices.);

Further, as per claim 12, this claim is the embodied method software for the method claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection;

7. Claim 3 *additionally recites* the limitation that; “The method of claim 1 wherein generating a graphical user interface includes generating a graphical user interface using a graphics controller.”.

The teachings of Iggulden are directed towards such limitations (i.e., col. 2, lines 44-col. 4, line 23, col. 5, lines 37-col. 8, line 26, figures 2-5 and accompanying descriptions, whereas the various appliances/devices that have a GUI downloaded or remotely accessed as a function of “... a user initiates a connection ... global computer network ... site hosts a graphical user interface with ...” clearly encompasses “... generating a graphical user interface using a graphics controller ...”, as broadly interpreted by the examiner, in embedded controller type appliances/devices, where there is clearly electronic logic controlling the GUI display rendering, inherently a graphics controller.);

Further, as per claim 13, this claim is the embodied method software for the method claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection.

8. Claim 4 *additionally recites* the limitation that; “The method of claim 3 including storing information for generating said graphical user interface on an option memory.”.

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The teachings of Iggulden are directed towards such limitations (i.e., col. 2, lines 44-col. 4, line 23, col. 5, lines 37-col. 8, line 26, figures 2-5 and accompanying descriptions, whereas the various appliances/devices that have a processor and inherent associated memory (i.e., RAM, ROM, PROM, etc.,) clearly encompasses "...storing information ...", as broadly interpreted by the examiner, in embedded controller type appliances/devices, where there is clearly electronic logic controlling the GUI parameter storage/display rendering, inherently a memory and graphics controller.);

Further, as per claim 14, this claim is the embodied method software for the method claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection.

9. Claim 5 *additionally recites* the limitation that; "The method of claim 1 including using boot code running on a graphics controller to generate the graphical user interface."

The teachings of Iggulden are directed towards such limitations (i.e., col. 2, lines 44-col. 4, line 23, col. 5, lines 37-col. 8, line 26, figures 2-5 and accompanying descriptions, whereas the various appliances/devices (i.e., thermostats, PDAs) that have a processor and inherent associated memory (i.e., RAM, ROM, PROM, etc.,), and further are inherently integrated (i.e., the graphics controller is part of the same printed circuit board, such as in a thermostat or PDA) clearly encompasses "...boot code running ... generate the graphical user ...", as broadly interpreted by the examiner, in embedded controller type appliances/devices, where there is clearly electronic

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logic controlling the GUI parameter storage/display rendering, inherently a memory and graphics controller.);

Further, as per claim 15, this claim is the embodied method software for the method claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection.

10. Claim 6 *additionally recites* the limitation that; “The method of claim 1 wherein generating a graphical user interface includes generating a graphical user interface to enable the user to input a password.”.

The teachings of Iggulden are directed towards such limitations (i.e., col. 2, lines 44-col. 4, line 23, col. 5, lines 37-col. 8, line 26, figures 2-5 and accompanying descriptions, whereas the various appliances/devices (i.e., home security systems, home master control systems) that have a processor and inherent associated memory (i.e., RAM, ROM, PROM, etc.), and further are inherently integrated clearly encompasses “... enable the user to input a password ...”, as broadly interpreted by the examiner (i.e., a home security system at the least would inherently require a password or generally pass phrase oriented user authentication), in embedded controller type appliances/devices.);

Further, as per claim 16, this claim is the embodied method software for the method claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection.

Further, as per claim 25, this claim is the apparatus/system for the method claims 5,6 above, and is rejected for the same reason provided for the claims 5,6 rejection.

11. Claim 7 *additionally recites* the limitation that; “The method of claim 6 wherein generating a graphical user interface includes generating an on-screen keyboard.”.

The teachings of Iggulden are directed towards such limitations (i.e., col. 2, lines 44-col. 4, line 23, col. 5, lines 37-col. 8, line 26, figures 2-5 and particularly figure 4, and accompanying descriptions, whereas the various appliances/devices, and particularly the thermostat user interface, clearly encompasses “...generating an on-screen keyboard ...”, as broadly interpreted by the examiner.);

Further, as per claim 17, this claim is the embodied method software for the method claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection;

Further, as per claim 23, this claim is the apparatus/system for the method claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection.

12. Claim 8 *additionally recites* the limitation that; “The method of claim 1 including receiving inputs from the user through the graphical user interface without a keyboard.”.

The teachings of Iggulden are directed towards such limitations (i.e., col. 2, lines 44-col. 4, line 23, col. 5, lines 37-col. 8, line 26, figures 2-5 and particularly figure 4, and accompanying descriptions, whereas the various appliances/devices, and particularly the thermostat user interface, clearly encompasses “...receiving inputs ... without a keyboard ...”, as broadly interpreted by the examiner.);



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Further, as per claim 18, this claim is the embodied method software for the method claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection;

Further, as per claim 22, this claim is the apparatus/system for the method claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection.

13. Claim 9 *additionally recites* the limitation that; “The method of claim 1 including authenticating a user and allowing the operating system to boot if the user has been authenticated.”.

The teachings of Iggulden are directed towards such limitations (i.e., col. 2, lines 44-col. 4, line 23, col. 5, lines 37-col. 8, line 26, figures 2-5 and accompanying descriptions, whereas the various appliances/devices (i.e., home security systems, home master control systems) clearly encompasses “... authenticating a user ...”, and further, whereas the ‘all types of programmable features within such appliances ...’ clearly encompasses the devices operational software, broadly interpreted by the examiner, in embedded controller type appliances/devices as the effective operating system software/firmware as broadly interpreted by the examiner (i.e., a home security system at the least would inherently require a password or generally pass phrase oriented user authentication), in embedded controller type appliances/devices.);

Further, as per claim 19, this claim is the embodied method software for the method claim 9 above, and is rejected for the same reasons provided for the claim 9 rejection.

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14. Claim 10 *additionally recites* the limitation that; “The method of claim 9 including receiving a password entered without a keyboard using the graphical user interface.”.

The teachings of Iggulden are directed towards such limitations (i.e., col. 2, lines 44-col. 4, line 23, col. 5, lines 37-col. 8, line 26, figures 2-5 and particularly figure 4, and accompanying descriptions, whereas the various appliances/devices, and particularly the thermostat user interface, clearly encompasses “...receiving a password ... without a keyboard ...”, as broadly interpreted by the examiner.);

Further, as per claim 20, this claim is the embodied method software for the method claim 10 above, and is rejected for the same reasons provided for the claim 10 rejection.

#### ***Response to Amendment***

15. As per applicant’s argument concerning the lack of teaching by Iggulden of the various user/user interface based, events triggered configuration aspects, the examiner has fully considered in this response to amendment; the arguments, and finds them not to be persuasive. The examiner broadly interprets the applicant’s use of the phrase “... display a graphical user interface before the system boots and it must do so in response to detection of a user input” as a non-specific type of interactive event encompassing anything from a physical interaction (not necessarily co-located with the appliance per se), to a user virtual GUI interaction (such as a network/operating system detected event) in order to initiate a “boot” of system software, of which the appliance firmware, post interactive setup, would clearly encompass. Nowhere in the claim language does the recitation of a requirement for an explicit claiming of the differentiation

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aspect concerning the various types of "... operating system [i.e., software or firmware; volatile RAM or non-volatile PROM based]" appear; just the broad "...operating system" and input / detection of user input via an interactive user interface criteria per se. Therefore, the various Iggulden configuration interactions, as being *broadly interpreted by the examiner*, as per the claim language, would therefore be applicable in the rejection, such that the rejection support references collectively encompass the said claim limitations in their entirety.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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*Conclusion*


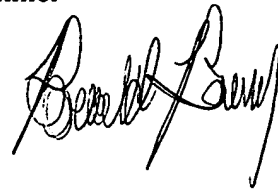
17. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner



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